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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

GUILLERMO ZAVALA-
RODRIGUEZ,

Defendant.

Case No. 2:20-mj-00548-DJA

**STIPULATION FOR MODIFICATION OF
COURT'S ORDER CONTINUING
PRELIMINARY HEARING**

The parties, by and through Nicholas A. Trutanich, United States Attorney, and Jennifer J. Oxley, Assistant United States Attorney, counsel for the United States of America, and Rene L. Valladares, Federal Public Defender, and Andrew Wong, Assistant Federal Public Defender, counsel for Guillermo Zavala-Rodriguez, respectfully request that the Court modify its prior order continuing the preliminary hearing in this matter (ECF No. 11) to make additional findings that time included in the continuance is excludable under the Speedy Trial Act, 18 U.S.C. §§ 3161 and 3164. This request is based on the following reasons:

1. On July 1, 2020, the government filed a Complaint in the above-captioned matter. (ECF No. 1.)

2. On August 5, 2020, Defendant Guillermo Zavala-Rodriguez appeared for an initial appearance and detention hearing in the above-captioned matter and was ordered

1 detained. At that time, the Court set a preliminary hearing in the above-captioned matter for
2 August 19, 2020. (ECF No. 6.)

3 3. On August 13, 2020, Defendant filed a Stipulation to Continue the preliminary
4 hearing date for at least 14 days, so that defense counsel could have time to receive and review
5 preliminary discovery, and in so doing the parties agreed that the time should be excluded under
6 Speedy Trial Act. (ECF No. 10)

7 4. This Court ordered the preliminary hearing continued to September 25, 2020.
8 (ECF No. 11.)

9 5. In order to clarify the record, the parties jointly request that the Court make
10 specific findings with regard to the exclusion of time under the Speedy Trial Act, 18 U.S.C. §§
11 3161 and 3164(c).

12 6. Denial of this request could result in a miscarriage of justice, and the ends of
13 justice served by granting this request outweigh the best interest of the public and the defendant
14 in a speedy trial.

15 7. The parties agree that the time from August 19, 2020 through September 25, 2020,
16 should be excludable as to the computing time within which an indictment must be filed
17 pursuant to the Speedy Trial Act, Title 18 United States Code, Section 3161(b), and the 90-day
18 trial clock for incarcerated defendants, pursuant to Title 18 United States Code, Section 3164(c),
19 both considering the factors under Title 18, United States Code, Section 3161(h)(7)(A)-(B).

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1 8. The Defendant is currently detained in custody and does not object to this request.

2 DATED: September 1, 2020.

3 NICHOLAS A. TRUTANICH
4 United States Attorney

5 /s/ Jennifer J. Oxley
6 JENNIFER J. OXLEY
7 Assistant United States Attorney
8 District of Nevada

9 /s/ Andrew Wong
10 Andrew Wong
11 Assistant Federal Public Defender
12 Attorney for Defendant Guillermo Zavala-
13 Rodriguez
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1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 VS.

6 GUILLERMO ZAVALA-
7 RODRIGUEZ,

8 Defendant.

Case No. 2:20-mj-00548-DJA

Order

9 Based on the Stipulation between the defense and the government, and good cause
10 appearing therefore, the Court hereby finds and amends its prior order (ECF No. 11) as follows:

- 11 1. To provide defense counsel with time to receive and review preliminary discovery, the
12 preliminary hearing in this case should be continued until September 25, 2020, for good
13 cause.
- 14 2. The parties agree to this continuance.
- 15 3. The defendant is in custody and does not object to the continuance.
- 16 4. The continuance is not sought for the purposes of delay.

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1 5. By the stipulation of the parties, the time from August 19, 2020 through September 25,
2 2020, is excludable in computing time within which an indictment must be filed,
3 pursuant to the Speedy Trial Act, Title 18 United States Code, Section 3161(b), and the
4 90-day trial clock for incarcerated defendants under Title 18 United States Code,
5 Section 3164(c), both considering the factors under Title 18, United States Code,
6 Section 3161(h)(7)(A)-(B).

7 DATED this 2nd day of September 2020.

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UNITES STATES MAGISTRATE JUDGE
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